

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOSEPH HARRINGTON, individually and on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	Civil Action No. 1:16-cv-10133-LTS
v.	)	(Leave to file excess pages granted on
	)	10/14/2016)
TETRAPHASE PHARMACEUTICALS, INC.,	)	
GUY MACDONALD, JOHN CRAIG	)	
THOMPSON, and DAVID LUBNER,	)	
	)	
Defendants.	)	
DAN SCHLAPKOHL, individually and on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	Civil Action No. 1:16-cv-10577-LTS
v.	)	(Leave to file excess pages granted on
	)	10/14/2016)
TETRAPHASE PHARMACEUTICALS, INC.,	)	
GUY MACDONALD, JOHN CRAIG	)	
THOMPSON, and DAVID LUBNER,	)	
	)	<b><u>ORAL ARGUMENT REQUESTED</u></b>
Defendants.	)	
	)	

**DEFENDANTS’ MOTION TO DISMISS THE SECOND AMENDED CLASS ACTION  
COMPLAINT AND REQUEST FOR ORAL ARGUMENT**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), the Securities Exchange Act of 1934, and the Private Securities Litigation Reform Act of 1995, Defendants Tetrphase Pharmaceuticals, Inc., Guy Macdonald, John Craig Thompson, and David Lubner (collectively, “Defendants”) hereby move to dismiss all claims against them. The grounds for this motion, which are explained in detail in the accompanying Memorandum of Law and Declaration of

Sarah L. Murphy in support thereof, include that the Second Amended Class Action Complaint fails to state a claim as a matter of law and fails to meet the governing pleading standards.<sup>1</sup>

WHEREFORE, for these reasons and the reasons set forth in the accompanying Memorandum of Law and Declaration in support thereof, Defendants respectfully request that the Court:

1. Enter an order dismissing all claims against Defendants with prejudice;
2. Award Defendants their reasonable attorneys' fees and expenses; and
3. Award any other relief that is fair and just.

### **REQUEST FOR ORAL ARGUMENT**

Defendants respectfully request an oral argument pursuant to Local Rule 7.1(d). Defendants make this request because they believe that oral argument may assist the Court's consideration of this Motion and they would appreciate the opportunity for counsel to address any issues raised by, or questions posed by, the Court.

---

<sup>1</sup> On October 14, 2016, the Court granted the parties' joint motion for leave to file memoranda in excess of the twenty-page limit set forth in Local Rule 7.1(B)(4). Dkt. 69. In accordance with that Order, Defendants are re-filing this Motion, and the Memorandum of Law and Declaration of Sarah L. Murphy submitted in support thereof.

Respectfully submitted,

TETRAPHASE PHARMACEUTICALS, INC.,  
GUY MACDONALD, JOHN CRAIG  
THOMPSON, and DAVID LUBNER

By their attorneys,

/s/ Sarah L. Murphy

Michael G. Bongiorno (BBO # 558748)

Peter J. Kolovos (BBO # 632984)

Sarah L. Murphy (BBO # 673682)

WILMER CUTLER PICKERING HALE AND  
DORR LLP

60 State Street

Boston, MA 02109

Tel: (617) 526-6000

Fax: (617) 526-5000

michael.bongiorno@wilmerhale.com

peter.kolovos@wilmerhale.com

sarah.murphy@wilmerhale.com

Dated: October 14, 2016

**RULE 7.1(A)(2) CERTIFICATE**

I hereby certify that I have conferred with counsel for the Plaintiffs, who did not assent to the relief sought in this Motion.

/s/ Sarah L. Murphy  
Sarah L. Murphy

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) on this 14<sup>th</sup> day of October, 2016.

/s/ Sarah L. Murphy  
Sarah L. Murphy